

**UNPUBLISHED**UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 13-7714**

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UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

BOBBY SMITH,

Defendant - Appellant.

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Appeal from the United States District Court for the Eastern  
District of North Carolina, at Raleigh. Terrence W. Boyle,  
District Judge. (5:09-cr-00238-BO-1)

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Submitted: February 27, 2014

Decided: March 4, 2014

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Before NIEMEYER, KING, and AGEE, Circuit Judges.

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Affirmed by unpublished per curiam opinion.

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Bobby Smith, Appellant Pro Se. Kristine L. Fritz, OFFICE OF THE  
UNITED STATES ATTORNEY, Raleigh, North Carolina, for Appellee.

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Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Bobby Smith appeals the district court's order denying his motion for a sentence reduction under 18 U.S.C. § 3582(c)(2) (2012). We have reviewed the record and find no reversible error. Accordingly, we affirm the district court's order. See United States v. Black, 737 F.3d 280, 287 (4th Cir. 2013) (holding that § 3582(c)(2) does not provide means to apply Fair Sentencing Act ("FSA") minimums to defendants sentenced before FSA's effective date); United States v. Blewett, \_\_ F.3d \_\_, 2013 WL 6231727, at \*2 (6th Cir. Dec. 3, 2013) (en banc) (Nos. 12-5226, 12-5582) (holding that "(1) the [FSA]'s new mandatory minimums do not apply to defendants sentenced before it took effect; (2) § 3582(c)(2) does not provide a vehicle for circumventing that interpretation; and (3) the Constitution does not provide a basis for blocking it"). We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before this court and argument would not aid the decisional process.

AFFIRMED